REMARKS

Claims 1-21 remain in the referenced application. Claim 1 has been amended.

Claims 1-8 stand rejected under 35 U.S.C. §112, second paragraph, on the basis "the beverage dispenser" in line 6 of claim 1 lacks antecedent basis. Responsive thereto, Applicant has deleted "the" and substituted therefor --a--. Applicant accordingly respectfully submits the antecedent basis problem with respect to beverage dispenser in claim 1 has been corrected. Applicant therefore respectfully requests the 35 U.S.C. §112, second paragraph, rejection of claims 1-8 be withdrawn.

Claims 1-6 stand rejected under 35 U.S.C. §102(b) by Mohabbatizadeh et al. (U.S. Patent No. 5,150,257 – hereinafter referred to as Mohabbatizadeh). Applicant respectfully traverses the above-recited rejection on the basis that Mohabbatizadeh does not disclose Applicant's structure set forth in claim 1. In rejecting claim 1, the Examiner asserts the shroud 18 of Mohabbatizadeh is Applicant's back panel; the electronic light valve 26 of Mohabbatizadeh is Applicant's valve board; the lamp board assembly 6 of Mohabbatizadeh is Applicant's light source included on Applicant's valve board; the thin, conductive transparent coatings 26d and 26e are Applicant's electrode board disposed in front of the valve board; and the lens 34 is Applicant's front panel. In contrast to the Examiner's assertions, Mohabbatizadeh specifically discloses the electronic light valve 26 comprises two transparent flat substantially parallel plates 26a and 26b separated a distance by an insulator 26c disposed around the periphery of the plates 26a and 26b to form an enclosed cell. Thin, conductive transparent coatings 26d and 26e are applied to the interior surfaces of the respective plates 26a and 26b and the cell is filled with a suspension fluid 26f. Based on the disclosure of Mohabbatizadeh, the thin, conductive transparent coatings 26d and 26e are elements comprising the electronic light valve 26 that are clearly interior to the electronic light valve 26. Applicant accordingly respectfully submits it is not possible for the thin, conductive transparent coatings 26d and 26e to be considered disposed in front of the electronic light valve 26 as suggested by the Examiner when the thin, conductive transparent coatings 26d and 26e are most definitely elements of the electronic light valve 26 housed in the interior thereof. Applicant therefore respectfully submits Mohabbatizadeh does not disclose Applicant's structure set forth in claim 1 because the thin, conductive transparent coatings 26d and 26e cannot be a separate element in front of the electronic light valve 26 when the thin, conductive transparent coatings 26d and 26e are interior elements of the electronic light valve 26 absolutely necessary to its operation. Moreover, Applicant respectfully submits the electronic light valve 26 cannot be considered to include the lamp board assembly 6 because the lamp board assembly 6 is an element completely separate and apart from the electronic light valve 26. "Include" suggests a component part of a larger whole. This criterion is not met by the lamp board assembly 6 as the lamp board assembly 6 is not a component part of the electronic light valve 26. In view of the foregoing, Applicant respectfully submits claim 1 is patentable over Mohabbatizadeh because Mohabbatizadeh clearly does not disclose an electrode board disposed in front of a valve board including a light source.

Applicant respectfully traverses the rejection of claim 2 under 35 U.S.C. §102(b) by Mohabbatizadeh on the basis the thin, conductive transparent coatings 26d and 26e cannot be considered Applicant's electrode board.

Applicant respectfully traverses the rejection of claim 3 under 35 U.S.C. §102(b) by Mohabbatizadeh because the shutter driver 32 turns the electronic light valve 26 on and off and controls its transmissiveness, which is not the same as controlling the light source to perform light routines.

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. §102(b) by Mohabbatizadeh because 18b references a hole which is in no way a reflector and the hole 18b is not in any way disposed between the electronic light valve 26 and the thin, conductive transparent coatings 26d and 26e.

Applicant respectfully traverses the rejection of claim 5 under 35 U.S.C. §102(b) by Mohabbatizadeh because 18b references a hole which receives a light source element, and the hole 18b in no way diffuses light emitted from the light source element.

Applicant respectfully traverses the rejection of claim 6 under 35 U.S.C. §102(b) by Mohabbatizadeh based on the preceding arguments.

Claims 7 and 8 although indicated as allowable have not been rewritten in independent form based upon the considered allowability of claim 1.

Claims 1-6, 9-11, and 20-21 stand rejected under 35 U.S.C. §103(a) by Mohabbatizadeh et al. (U.S. Patent No. 5,150,257 – hereinafter referred to as Mohabbatizadeh) in view of Crisp III et al, (U.S. Patent No. 6,766,656 – hereinafter referred to as Crisp).

Applicant respectfully traverses the rejection of claims 1-6 under 35 U.S.C. §103(a) by Mohabbatizadeh in view of Crisp. As previously argued, Mohabbatizadeh clearly does not disclose Applicant's electrode board disposed in front of a valve board including a light source. While Crisp does disclose a beverage dispenser, Crisp discloses only standard mechanical push-button type switches (see Figure 4) that in no way include an electrode board disposed in front of an electrode board and adapted to transmit light therethrough from a light source located on the valve board. As such, claims 1-6 are patentable over Mohabbatizadeh in view of Crisp because that combination does not disclose, teach, or suggest an electrode board disposed in front of a valve board including a light source.

Applicant respectfully traverses the rejection of claim 9 under 35 U.S.C. §103(a) by Mohabbatizadeh in view of Crisp. As previously argued, Mohabbatizadeh clearly does not disclose Applicant's electrode board disposed in front of a valve board. While Crisp does disclose a beverage dispenser, Crisp discloses only standard mechanical push-button type switches (see Figure 4) that in no way include an electrode board disposed in front of a valve board. As such, claim 9 is patentable over Mohabbatizadeh in view of Crisp because that combination does not disclose, teach, or suggest an electrode board disposed in front of a valve board.

Applicant further respectfully traverses the rejection of claim 9 under 35 U.S.C. §103(a) by Mohabbatizadeh in view of Crisp on the basis that combination does not disclose Applicant's controller and electrode board including a first electrode trace electrically coupled to the controller. Mohabbatizadeh in view of Crisp certainly do not disclose that a first electrode trace develops an electrode field wherein a controller interprets an interruption in the electrode field as a selection of a drink flavor for dispensing.

Mohabbatizadeh discloses a pushbutton switch assembly that is sunlight readable as well as back lit illuminated night vision goggle compatible. The pushbutton switch assembly of Mohabbatizadeh includes a lamp board assembly 6 that projects light through an electronic light valve 26 when the electronic light valve 26 is opened by a shutter driver 62. In particular, application of a voltage across thin, conductive transparent coatings 26d and 26e by the shutter driver 62 causes particles suspended in a suspension fluid 26f to align thereby allowing light from the light board assembly 6 to pass through the suspension and thus exit the electronic light valve 26. Applicant respectfully contends that applying a voltage across thin, conductive transparent coatings 26d and 26e for the purpose of aligning suspended particles and allowing light transmission is in no way related to generating an electrode field for the purpose of receiving user input. There certainly is no disclosure in Mohabbatizadeh that the voltage applied to the thin, conductive transparent coatings 26d and 26e generates an electrode field for interruption from a source exterior to the pushbutton switch assembly. Mohabbatizadeh provides absolutely no disclosure that that the shutter driver 62 is capable of interpreting an interruption in an electrode field as a user input. Mohabbatizadeh discloses only a back lit mechanical pushbutton switch assembly, and that back lit mechanical pushbutton switch assembly is in no way designed to generate an electrode field, sense an interruption in the generated electrode field, and then interpret that interruption as a selection of a drink flavoring for dispensing.

As previously argued, Crisp discloses a standard mechanical push-button type switch that is completely incapable of generating an electrode field, sensing an interruption in the generated electrode field, and then interpreting that interruption as a selection of a drink flavoring for dispensing. Mohabbatizadeh also discloses only a mechanical pushbutton switch assembly. The pushbutton switch assembly of Mohabbatizadeh may include a lamp board assembly 6 that projects light through an electronic light valve 26, nevertheless, the pushbutton switch assembly is still a mechanical switch completely incapable of generating an electrode field, sensing an interruption in the generated electrode field, and then interpreting that interruption as a selection of a drink flavoring for dispensing. Consequently, substituting the pushbutton switch assembly of Mohabbatizadeh for the standard mechanical push-button type switch of Crisp produces a combination that is nothing more than a beverage dispenser with a back lit mechanical pushbutton switch assembly. The resultant beverage dispenser still uses mechanical switch motion to receive user input and thus does not in any way disclose, teach, or suggest Applicant's touch panel assembly that generates an electrode field, senses an interruption in the generated electrode field, and then interprets that interruption as a selection of a drink flavoring for dispensing. Applicant therefore respectfully submits claim 9 is patentable over Mohabbatizadeh in view of Crisp because that combination fails to disclose Applicant's controller and electrode board with a first electrode trace that develops an electrode field, the interruption of which is interpreted by the controller as a selection of a drink flavor for dispensing.

Applicant respectfully traverses the rejection of claim 10 under 35 U.S.C. §103(a) by Mohabbatizadeh in view of Crisp because the beverage dispenser resulting from the combination of Mohabbatizadeh and Crisp does not generate an electrode field, sense an interruption in the generated electrode field through a front panel, and then interpret that interruption as a selection of a drink flavoring for dispensing.

Applicant respectfully traverses the rejection of claim 11 under 35 U.S.C. §103(a) by Mohabbatizadeh in view of Crisp because the beverage dispenser resulting from the combination of Mohabbatizadeh and Crisp does not disclose a second electrode trace generating a second electrode field. Mohabbatizadeh discloses only thin, conductive transparent coatings 26d and 26e, and the thin, conductive transparent coatings 26d and 26e function only to align suspended particles and allow light transmission through the electronic light valve 26.

Applicant respectfully traverses the rejection of claim 20 under 35 U.S.C. §103(a) by Mohabbatizadeh in view of Crisp because the beverage dispenser resulting from the combination of Mohabbatizadeh and Crisp requires physical pushing of a mechanical switch and not merely a touch on a front panel.

Applicant respectfully traverses the rejection of claim 21 under 35 U.S.C. §103(a) by Mohabbatizadeh in view of Crisp because the beverage dispenser resulting from the combination of Mohabbatizadeh and Crisp does not generate an electrode field, sense an interruption in the generated electrode field, interpret that interruption as a selection of a drink flavoring for dispensing, and activate a beverage dispenser responsive to the interruption in the electrode field.

The prior made of record but not relied upon has been reviewed by Applicant and is deemed not to anticipate nor render obvious the claimed invention.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claims and earnestly solicits early allowance of the referenced application.

Respectfully submitted,

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CERTIFICATE OF MAILING

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